

SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cr-20066-KMM

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERICA BONTEMPO MESQUITA COSTA,

Defendant.

MOTION TO WITHDRAW

COMES NOW, FRANK QUINTERO, JR., CJA Counsel for Defendant ERICA BONTEMPO MESQUITA COSTA (“Defendant”), and respectfully moves for an order permitting him to withdraw as counsel of record for Defendant.

1. On January 17, 2025, Defendant was taken into ICE custody.
2. On February 4, 2025, Defendant was charged via Complaint and was transferred from ICE to federal custody on February 6, 2025.
3. On February 6, 2025, Defendant made her initial appearance, and The Honorable Magistrate Judge Eduardo I. Sanchez held her on temporary pretrial detention based on the fact that INS had a detainer placed upon her.
4. Also on February 6, 2025, the undersigned was appointed as CJA counsel to represent Defendant.
5. On February 19, 2025, the Government filed an Information charging the Defendant with illegal reentry pursuant to 8 USC § 1326.

6. On February 20, 2025, at the scheduled arraignment on the filed Information, the Defendant advised the Court that she would not waive Indictment and that she wished to represent herself in this matter. The Honorable Magistrate Judge Edwin Torres advised the undersigned and counsel for the Government to file a motion for a *Faretta* hearing on Defendant's request to represent herself.
7. At that time, the Court instructed the undersigned to remain as CJA counsel on the case until this Court rules on the *Faretta* motion. Magistrate Torres also reset the arraignment for March 6, 2025, at 10:00 a.m.
8. The *Faretta* hearing was held on March 5, 2025, before the Honorable Magistrate Ellen Frances D'Angelo.
9. During the *Faretta* hearing, Defendant advised the Court she no longer wished to represent herself but instead wanted new counsel.
10. As a result of the pending arraignment on March 6, 2025, the Court advised undersigned to move *ore tenus* to withdraw and follow up with a written motion.
11. Accordingly, in accordance with the Court's instructions and as explained at the *Faretta* hearing, the undersigned moves to withdraw as counsel in this matter because irreconcilable differences have arisen causing the undersigned to be unable to provide representation to the Defendant.
12. The Honorable Magistrate D'Angelo orally granted the Motion to Withdraw and appointed David Donet as new counsel in this matter.

CERTIFICATE OF CONFERRAL PURSUANT TO LOCAL RULE 88.9

Since the Government has no standing on this issue, the undersigned did not confer with the Government regarding its position.

WHEREFORE, the undersigned respectfully prays this Honorable Court enter an Order withdrawing Frank Quintero, Jr., as counsel of record and relieve him of any and all further duties or responsibilities with respect to this Defendant in this action and such other relief as it deems just and equitable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

Respectfully submitted,

QUINTERO BROCHE, P.A.

Attorneys for Defendant

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By: /s/ Frank Quintero, Jr.
FRANK QUINTERO, Jr.
FLORIDA BAR NO.: 399167